

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:21-cv-00315-MR**

<b>CALVIN JEROME WOMIC, JR.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b><u>ORDER</u></b>
	)	
<b>FNU CORTEZ,</b>	)	
	)	
	)	
<b>Defendant.</b>	)	
_____	)	

**THIS MATTER** is before the Court sua sponte.

Plaintiff Calvin Jerome Womic, Jr., (“Plaintiff”) filed this lawsuit on July 1, 2021. [Doc. 1]. On September 9, 2021, Plaintiff’s Complaint [Doc. 1] survived initial review as to Plaintiff’s claim against Defendant FNU Cortez for violation of Plaintiff’s Fourteenth Amendment rights based on the use of excessive force. [Doc. 9]. Defendant Cortez was served by summons on September 29, 2021 and his answer to Plaintiff’s Complaint was due on October 10, 2021. [Doc. 13; 11/3/2021 Docket Entry].

To date, however, Defendant Cortez has not answered the Complaint or otherwise defended this action, and the Plaintiff has not taken any further action with respect to Defendant Cortez. The Court, therefore, will order the Plaintiff to take action with respect to this Defendant so that this matter can

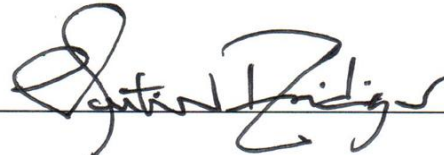
proceed.

**ORDER**

**IT IS, THEREFORE, ORDERED** that Plaintiff shall take further action to prosecute this case against Defendant Cortez within fourteen (14) days of this Order. Failure to take any such further action shall result in the dismissal of this action without prejudice.

**IT IS SO ORDERED.**

Signed: January 25, 2022

A handwritten signature in black ink, appearing to read "Martin Reidinger", written over a horizontal line.

Martin Reidinger  
Chief United States District Judge

